

LEON TASBY JR. AKA TONY
HENDRICKS (TDCJ NO. 1760659),

Plaintiff,

VS.

WARIA MARIS,

Defendant.

S

Defendant.

ORDER

On May 10, 2012, the Clerk of court accepted for filing the complaint of plaintiff, Leon Tasby, Jr. a/k/a Tony Hendricks, naming as defendant Maria Maris. Plaintiff also filed a motion for leave to proceed in this action in forma pauperis.

Plaintiff did not, however, inform the Clerk of court that he had three previous cases dismissed as frivolous, malicious, or for failing to state a claim upon which relief may be granted. A prisoner may not proceed in forma pauperis if, on three or more occasions, the prisoner has had a case dismissed as frivolous, malicious, or for failure to state a claim, unless the prisoner is under imminent danger of serious physical injury. 28 U.S.C. § 1915(g).1

¹Plaintiff did not allege that he is under imminent danger of serious physical injury.

On May 14, 2012, the United States Magistrate Judge issued his findings and conclusions and a recommendation ("FC&R") that plaintiff not be allowed to proceed in forma pauperis in this action and that plaintiff be required to pay the full filing fee. The Magistrate Judge gave plaintiff until June 4, 2012, to file objections to the FC&R. As of the date this order is signed, plaintiff has filed nothing in response to the Magistrate Judge's order.

Therefore,

The court accepts the recommendation of the Magistrate Judge and ORDERS that by 4:00 p.m. on June 18, 2012, plaintiff pay to the Clerk of the court the full filing fee of \$350.2

The court further ORDERS that failure of plaintiff to comply with the terms of this order may result in the dismissal of this action without further notice as a sanction or pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

SIGNED June 8, 2012.

JOHN MCBRYDE

Inited States District Judge

²Plaintiff has filed multiple law uits in this court without paying the filing fee, and has been repeatedly notified of the bar under 28 U.S.C. § 1915(g) and the filing fee requirement. Thus, although the court would typically provide an inmate barred by § 1915(b) thirty days to pay the fee, as plaintiff has never paid the fee in any of his prior cases, the court concludes that ten days to comply with payment is sufficient.